other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the port, whether within or without high-water mark, and, subject to any rights of property therein, any portion of the shore within fifty yards of high-water mark.

II.—Of the Board of Trustees.

Constitution of Board.

Act to be carried out by trustees.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be callled "the Trustees of the Port of Aden;" and such Board, hereinafter referred to as "the Board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Number of trustees.

5. The Board shall consist of such number of Trustees as shall from time to time be fixed by Government, the same being not less than six.

Chairman and *ex-officio* trustees.

[1][**6.** (*1*) Government shall from time to time appoint a person to be Chairman of the Board. The Chairman shall be a trustee.

(2) The Port Officer at Aden, [2]* * * * and [3][an officer of the Head Quarters Staff, Aden Brigade, appointed in virtue of his office by the General Officer Commanding] or, in the absence of any of the above-mentioned officers, the officer acting for him shall be *ex-officio* trustees].

Appointment of other trustees.

7. The rest of the trustees shall be appointed by Government, and of these such number as shall from time to time be fixed by Government shall not be public officers.

Publication of names of non-official trustees in the official Gazette.

8. The names of all trustees other than the *ex-officio* trustees shall be published in the Bombay Government Gazette.

9. [*Term of office of first trustees when to commence.*] *Rep. Act XVI of 1895.*

Length of term of office of non-official trustees.

10. Every trustee, other than [4][the Chairman or] *ex-officio* trustees, shall, unless he becomes in the meantime disqualified, hold office for a term of two years.

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[1] This section was substituted by s. 2 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] The words "the Port Surgeon at Aden" were omitted by s. 2 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

[3] These words were substituted for the words "the Deputy Assistant Quartermaster-General, Aden Brigade" by s. 2 of the Aden Port Trust (Amendment) Act, 1922 (Bom. Act 9 of 1922), Vol. V of this Code.

[4] These words were inserted by s. 3 (*1*) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

Filling up of casual vacancies.

11. (*1*) In the event of the death, re-signation or disqualification of a trustee other than [1] [the Chairman or] an *ex-officio* trustee, or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up [2][by the Political Resident at Aden] as soon as it conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the trustee in whose place he is appointed would have held it if the vacancy had not occurred.

Acting trustees.

(2) If a trustee other than [1][the Chairman or] an *ex-officio* trustee departs from Aden with an intention of being absent for a longer period than three months, or if a trustee shall have been absent from Aden for such period, a person shall be appointed [2][by the Political Resident at Aden] to act for such trustee during his absence, or until he shall cease to be a trustee, and the person so acting shall be deemed for all the purposes of this Act to be a trustee.

Leave of absence to Chairman.

[3][**11A.** Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom Government appoint to act for the Chairman during his absence on leave shall, while so acting, be a trustee and shall be deemed for all the purposes of this Act to be the Chairman.]

Re-eligibility of trustees.

12. A person who has already been a trustee on one or more occasions shall, if not disqualified under section 13, be again eligible at any time for appointment.

Disqualifications of Trustees.

Disqualifications for office of trustee.

13. (*1*) No person shall be qualified to be a trustee—

(*a*) who under any law for the time being in force is an uncertificated bankrupt or an undischarged insolvent, or

(*b*) who, unless he is [1][the Chairman or] an *ex-officio* trustee, holds any office or place of profit under the Board, or

(*c*) who, unless as aforesaid, has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract, or employment with, by or on behalf of the Board; or

(*d*) who has been sentenced by a Criminal Court to imprisonment or to whipping for an offence punishable with imprisonment for a

[1] These words were inserted by s. 3 (1) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] These words were inserted by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] This section was inserted by s. 4 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit in this behalf ;

and any trustee who—

Trustee who becomes disqualified to cease to be a trustee.

(*e*) becomes disqualified for any of the aforesaid reasons, or

(*f*) [1][except in the case of the Chairman] is absent from the meetings of the Board for a period exceeding six consecutive months, or, without the permission of the Board, from six consecutive meetings of the Board,

shall cease to be a trustee, and his office shall thereupon become vacant :

Proviso.

(2) Provided always that no trustee shall vacate his office by reason only of his—

(*g*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board, or

(*h*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(*i*) being interested in any loan of money to the Board :

[2][(3) Provided also that no person who is the Health Officer of the Port of Aden shall for that reason only be disqualified from being a trustee.]

Remuneration of Trustees.

Remuneration of trustees.

[3][**14.** (*1*) The Chairman shall receive such remuneration as Government shall from time to time determine.

(2) Every trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof shall be entitled to a fee of—

(*a*) thirty rupees for every meeting of the Board, provided that if more than one such meeting is held in any one week, no more than one fee shall be paid to any trustee for his attendance at all such meetings during that one week,

(*b*) fifteen rupees for every special meeting of a Committee of which such trustee attending is a member, convened under sub-section

[1] These words were inserted by s. 3 (2) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] This sub-section was added by s. 3 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

[3] This section was substituted by s. 5 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

(5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to a meeting of the Board for which he is entitled to a fee under the preceding clause.

(3) The aggregate amount of fees, payable to any trustee under sub-section (2) in respect of meetings held during any month shall not exceed one hundred and fifty rupees.]

Proceedings of Board.

15. The following provisions shall be observed with respect to the proceedings of the Board, namely :— Provisions concerning the Board's proceedings.

(1) During any vacancy in the Board the continuing trustees may act as if no vacancy had occurred. Vacancy not to affect Board's proceedings.

(2) The Board shall meet together, and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely :— Meetings of Board.

(a) that two ordinary meetings at least shall be held in every month; Two ordinary meetings in each month.

(b) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting; Special meetings.

(c) that no business shall be transacted at any meeting unless at least three trustees are present from the beginning to the end of such meeting; Quorum.

(d) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the trustees present as may be chosen by the meeting; Meetings to be presided over by the chairman.

(e) that all questions shall be decided by a majority of votes of the trustees present, the president having a second or casting vote in all cases of equality of votes; Questions to be decided by a majority of votes.

(f) that, if a poll be demanded, the names of the trustees voting and the nature of their votes shall be recorded by the president; Votes to be recorded if a poll is demanded.

(g) that minutes shall be kept of the names of the trustees present and of the proceedings at each meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the Minutes of proceedings.

president of such meeting, and shall be open to inspection by any trustee during office hours.

Board may delegate powers to committees.

(*3*) The Board may delegate any of their powers to committees consisting of such trustees as they think fit. Any committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue or alter the constitution of any committee so formed.

Committees' meetings to be presided over by a chairman.

(*4*) A committee may elect a chairman of their meetings, and, if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

Committees when to meet.

(*5*) Committees may meet and adjourn as they think proper, but the chairman of the Board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

Questions how to be decided at committees' meetings.

(*6*) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

Acts of Board, etc., not to be invalidated by informalities.

(*7*) No act of the Board, or of any committee, or of any person acting as trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, committee or trustee, or on the ground that they or any of them were disqualified for the office of trustee.

Mode of executing contracts.

16. (*1*) The chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the chairman and by two other trustees, and shall be sealed with the common seal of the Board.

(*2*) No contract or agreement not executed as aforesaid shall be binding on the Board:

Proviso.

(*3*) Provided that the signatures of the chairman and two other trustees may be engraved, lithographed or impressed by any mechanical process, on coupons attached to debentures which the Board is at any time authorized to issue under the Local Authorities Loan Act, 1879[1], or other law for the XI of 1879.

[1] *See* now the Local Authorities Loan Act, 1914 (9 of 1914), Genl. Acts, Vol. VIII.

time being in force, and the signatures so engraved, lithographed or impressed shall have the same validity as if they were written in the proper handwriting of the chairman and other trustees.

17. The Board may compound or compromise for or in respect of any claim or demand made against them for such sum of money or other compensation as they shall deem sufficient. The Board may compound for claims against them.

The Chairman.

18. The chairman shall— Duties of chairman.

(*a*) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(*b*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and in matters concerning the accounts and records of the Board; and, subject to the regulations at the time being in force framed by the Board under section 20, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*c*) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

III.—Of the Officers and Servants of the Board.

Strength of Staff.

19. (*1*) The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant. Schedule of officers and servants and of their pay and allowances to be prepared and sanctioned by the Board.

(*2*), (*3*) [*Existing staff.*] *Rep. Act XVI of 1895.*

(*4*) Provided— Provisos.

(*a*) that artisans, porters and labourers, and mukaddams of porters and labourers, and persons temporarily employed in the engineering department, shall not be deemed to be officers or servants within the meaning of this section or of section 20, clauses (*a*) to (*d*), both inclusive, or of section 21;